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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,669	10/24/2003	Naveen Bali	5693P032	9970
48102 7590 10/09/2007 NETWORK APPLIANCE/BLAKELY 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER NGUYEN, DUSTIN	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/692,669	BALI ET AL.	
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 21 are presented for examination.

Claim Objections

2. Claims 1-21 are objected to because of the following informalities:
 - I. As per claim 1, “the pair” should be corrected as “the pair of ports”
 - II. As per claim 6, “the pair” should be corrected as “the pair of FC port”
 - III. As per claims 11, 12 and 14, “the first port” should be corrected as “the first FC port”
 - IV. As per claim 11, “the second port” should be corrected as “the second FC port”
 - V. As per claim 18, “the first node device” should be corrected as “the first FC node device”
 - VI. As per claims 14, 18 and 20, “the fabric” should be corrected as “the FC fabric”

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-5, 12-15, 17-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

- | | | | |
|------|---------------------|---|----------------------|
| I. | a common name | - | claim 1, last line. |
| II. | the port | - | claims 12 and 17 |
| III. | the port identifier | - | claims 14, 18 and 20 |
| IV. | the FCVI protocol | - | claims 15, 19 and 21 |

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-15, 20 and 21 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claims 11, 14 and 20, specification, paragraph 0037, discloses intrinsic evident for "computer readable medium" including transmission type media, which being considered as non-statutory subject matter [Please see MPEP 2106].

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 6, 7, 11, 12, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Banks et al. [US Patent No 6,980,525].

8. As per claim 1, Banks discloses the invention as claimed including a method for establishing links between Fibre Channel (FC) node devices through a FC fabric [i.e. re-configure the fabric and support multiple configurations of device connections] [Figure 1; col 1, lines 25-29 and col 2, lines 21-25], the method comprising:

assigning a common name to a pair of ports [i.e. define alias or zone configuration] [300, Figure 3; and col 9, lines 42-col 10, lines 26], wherein each port in the pair is located on first and second FC node devices, respectively [i.e. n_port] [col 5, lines 36-47];

storing the common name-to-port assignment within a name server for the FC fabric [i.e. Simple Name Server (SMS) module] [Figure 4; and col 5, lines 47-65];

configuring each port in the pair of ports to query the name server to establish an identity for the other port in the pair of ports based on the common name [i.e. query the SNS for address information and attributes of other N_port] [500, Figure 5; col 2, lines 45-49; and col 5, lines 58-65]; and

configuring the first and second node devices to create a link between the pairs of ports that have been assigned a common name [i.e. source device send a message to the destination

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device] [610, Figure 6; and col 7, lines 28-46].

9. As per claim 2, Banks discloses wherein assigning the common name comprises automatically deriving the common name based on attributes of each port [i.e. fibre channel attributes] [col 5, lines 56-60].

10. As per claim 6, it is rejected for similar reasons as stated above in claim 1. Furthermore, Banks discloses a common symbolic name [col 9, lines 43-col 10, lines 26], and configuring each port in the pair to login to the other port that has the common symbolic name [i.e. perform zone check and route message to final destination] [630, Figure 6; and col 7, lines 31-41].

11. As per claim 7, it is rejected for similar reasons as stated above in claim 2.

12. As per claims 11 and 12, they are rejected for similar reasons as stated above in claims 1 and 2.

13. As per claims 16 and 17, they are rejected for similar reasons as stated above in claims 1 and 2.

Claim Rejections - 35 USC § 103

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14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3-5, 8-10, 13, 14, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banks et al. [US Patent No 6,980,525], in view of Betker et al. [US Patent No 7,230,929].

16. As per claim 3, Banks discloses wherein automatically deriving the common name comprises detecting a port type [i.e. types of ports] [col 5, lines 28-col 6, lines 8]. Banks does not specifically disclose a slot number, and a sub-slot number for each port. Betker discloses a slot number, and a sub-slot number for each port [col 4, lines 51-54; and col 5, lines 35-45]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Banks and Betker because the teaching of Betker would allow to interconnect fibre channel devices in an efficient and consistent manner.

17. As per claim 4, Banks discloses storing the common name within at least a portion of a symbolic name as defined in the FC protocol, for each port [col 9, lines 43-col 10, lines 26].

18. As per claim 5, Banks discloses wherein storing the common name-to-port assignment within the name server comprises configuring each port to register the symbolic name with the name server [i.e. register] [col 5, lines 54-58].

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19. As per claim 8, it is rejected for similar reasons as stated above in claim 3.
20. As per claim 9, Banks discloses wherein the attributes are automatically detected by an operating system for the FC nodes devices [500, Figure 5; and col 6, lines 25-42].
21. As per claim 10, Banks discloses wherein assigning the symbolic name comprises storing each of the attributes at a predefined location within a symbolic name field for each port [i.e. store copy] [col 10, lines 54-64].
22. As per claim 13, it is rejected for similar reasons as stated above in claim 3.
23. As per claim 14, it is rejected for similar reasons as stated above in claims 1, 3-6.
Furthermore, Banks does not specifically disclose an upper-level protocol (ULP). Betker discloses an upper-level protocol [i.e. mapping between lower levels and upper level protocols] [col 4, lines 31-33]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Banks and Betker because the teaching of Betker would allow to interconnect fibre channel devices in an efficient and consistent manner.
24. As per claims 18 and 20, they are rejected for similar reasons as stated above in claim 14.

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25. Claims 15, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banks et al. [US Patent No 6,980,525], in view of Betker et al. [US Patent No 7,230,929], and further in view of Woodring [US Patent Application No 2002/0191649].

26. As per claim 15, Banks and Betker do not specifically disclose wherein the upper-level protocol is the FCVI protocol. Woodring discloses wherein the upper-level protocol is the FCVI protocol [paragraphs 0143 and 0144]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Banks, Betker and Woodring because the teaching of Woodring would provide a mapping between FC and virtual interface architecture to enable scalable clustering solutions [Woodring, paragraph 0144].

27. As per claims 19 and 21, they are rejected for similar reasons as stated above in claim 15.

28. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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A handwritten signature in black ink, appearing to read 'Dustin', with a long horizontal flourish extending to the right.